

DIAA Board of Directors' Meeting Minutes
Thursday November 10, 2016 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:03 a.m. by Vice-Chairperson Gary Cimaglia.

B. Roll Call

The following DIAA Board members were present: Stan Waterman, Susanne Williams, Dr. Evelyn Edney, Craig Eliassen, Gary Cimaglia, Robert Cilento, Robert Watson, Mike Hart, Mike Breeding, Vetra Evans-Gunter, Douglas Thompson, Leroy Mann, and Jeremy Jeanne. Thomas Neubauer; Executive Director, Laura Makransky; Deputy Attorney General, and DIAA staff Terre Taylor; Coordinator of Interscholastic Events and Tina Bates were also in attendance. Dr. Amelia Hodges, Dr. Matthew Donovan, Ted Laws, Dr. Bradley Layfield, Dr. Kevin Fitzgerald, and Dr. Bradley Bley were unable to attend.

C. Approval of Agenda

Mr. Cimaglia reported that there was an addendum to the agenda adding Items III. M. and N. Mr. Hart made a motion to approve the agenda and the addendum to the agenda. The motion was seconded by Ms. Evans-Gunter and carried unanimously.

E. Approval of Minutes of DIAA October 13, 2016 Board Meeting

Mr. Cilento made a motion to approve the minutes of the October 13, 2016 Board meeting. The motion was seconded by Dr. Edney and carried unanimously.

F. DIAA Financial Report

Mr. Neubauer reported that the income for the month was \$34,582 largely from tournament fees and dues. Mr. Neubauer reported that the expenses were \$48,425 which included salary and benefits and wrestling clocks. The contingency fund balance is currently \$814,541. Mr. Cilento made a motion to approve the financial report. The motion was seconded by Mr. Breeding and carried unanimously.

II. Public Comment

None

III. Action Items

A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 31 sanctioned events that needed to be

approved which included 2 cross country, 1 volleyball, 5 wrestling, 5 basketball, 18 indoor track and 1 outdoor track. Mr. Neubauer stated that one of the events had no Delaware schools participating but all the others to the best of his knowledge were in compliance with DIAA and NFHS regulations. Mr. Hart made a motion to approve the sanction events. The motion was seconded by Mr. Cilento and carried unanimously.

I. In the Matter of Request of Wilmington Christian to Waive 1009.1.5

Joe Thomson; athletic director at Wilmington Christian and Dan Heins; athletic director at Calvary Christian Academy were in attendance to present this request.

Mr. Cimaglia explained that DIAA is a 20 member Board and has 19 voting members. Mr. Cimaglia further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Cimaglia explained that there was less than a full Board present and there were 11 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

The Board heard testimony from Mr. Thomson and Mr. Neubauer.

Mr. Hart made a motion to go into deliberation. The motion was seconded by Mr. Breeding and carried unanimously. Mr. Breeding made a motion to come out of deliberation and reopen the record so the Board could ask clarifying questions of the witnesses. The motion was seconded by Ms. Evans-Gunter and carried unanimously.

The Board heard testimony from Mr. Neubauer and Mr. Hines.

Mr. Cilento made a motion to go into deliberation. The motion was seconded by Mr. Breeding and carried unanimously. Mr. Jeanne made a motion to come out of deliberation. The motion was seconded by Mr. Waterman and carried unanimously.

Mr. Breeding made a motion to approve the request if school puts in an application for membership by the December meeting. The motion was seconded by Mr. Hart and carried unanimously.

Ms. Williams made a motion to reopen the hearing based on new information. The motion was seconded by Mr. Breeding and carried unanimously.

The Board heard additional testimony from Mr. Thomson.

Ms. Evans-Gunter made a motion to go into deliberation. The motion was seconded by Ms. Williams and carried unanimously. Mr. Waterman made a motion to come out of deliberation. The motion was seconded by Mr. Breeding and carried unanimously.

Mr. Hart made a motion to grant a one year waiver and allow Calvary Christian School to participate in the tournament with the stipulation to apply for Associate membership and to vacate the previous motion. The motion was seconded by Mr. Watson and carried unanimously.

B. Request to Waive 1009.2.4 by Smyrna HS for DIAA 2016-11-1

Student and Student's mother were in attendance to present this request. Ms. Evans-Gunter recused herself prior to the hearing. Mr. Mann made a motion to go into executive session for the purposes of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Cilento and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Cimaglia explained that DIAA is a 20 member Board and has 19 voting members. Mr. Cimaglia further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Cimaglia explained that there was less than a full Board present and there were 11 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Dr. Edney made a motion to go into deliberation. The motion was seconded by Mr. Hart and carried unanimously. Mr. Jeanne made a motion to come out of deliberation. The motion was seconded by Mr. Mann and carried unanimously. Mr. Breeding made a motion to come out of executive session. The motion was seconded by Cilento and carried unanimously.

Mr. Hart made a motion to deny Student's request based on the lack of evidence of a hardship. The motion was seconded by Mr. Mann and carried by a vote of 11 – yes (Waterman, Williams, Edney, Cimaglia, Cilento, Watson, Hart, Breeding, Thompson, Mann, and Jeanne) and 0 – no.

C. Request to Waive 1009.2.4 by A. I. duPont HS for DIAA 2016-11-2

Student, Student's mother were in attendance to present this request. Mr. Cilento made a motion to go into executive session for the purposes of discussing the request, including the content of the pupil file. The motion was

seconded by Mr. Breeding and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Cimaglia explained that DIAA is a 20 member Board and has 19 voting members. Mr. Cimaglia further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Cimaglia explained that there was less than a full Board present and there were 12 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Jeanne made a motion to go into deliberation. The motion was seconded by Mr. Waterman and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Mr. Watson and carried unanimously. Mr. Breeding made a motion to come out of executive session. The motion was seconded by Mr. Mann and carried unanimously.

Mr. Jeanne made a motion to grant Student's request based on the evidence of a hardship presented and student is eligible to participate in indoor track. The motion was seconded by Mr. Thompson and carried by a vote of 12- yes (Waterman, Williams, Edney, Cimaglia, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann, and Jeanne) 0 – no.

D. Request to Waive 1009.2.4 by A. I. duPont HS for DIAA 2016-11-3

Student, Student's mother were in attendance to present this request. Mr. Cilento made a motion to go into executive session for the purpose of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Jeanne and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Cimaglia explained that DIAA is a 20 member Board and has 19 voting members. Mr. Cimaglia further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Cimaglia explained that there was less than a full Board present and there were 13 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Cilento made a motion to go into deliberation. The motion was seconded

by Mr. Jeanne and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Mr. Watson and carried unanimously. Mr. Mann made a motion to come out of executive session. The motion was seconded by Mr. Hart and carried unanimously.

Mr. Mann made a motion to grant Student's request based on the evidence of a hardship presented. The motion was seconded by Mr. Watson and carried by a vote of 8- yes (Williams, Eliassen, Cimaglia, Cilento, Watson, Evans-Gunter, Thompson, and Mann), 3 – no (Waterman, Hart, and Breeding) and 2 abstentions (Edney and Jeanne).

E. Request to Waive 1009.2.4 by Delmarva Christian School for DIAA 2016-11-4

Student, Student's Mother, and Jim Berger; athletic director at Delmarva Christian School were in attendance to present this request. Mr. Breeding recused himself from this hearing. Mr. Hart made a motion to go into executive session for the purposes of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Jeanne and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield explained that DIAA is a 20 member Board and has 19 voting members. Dr. Layfield further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Dr. Layfield explained that there were 12 voting members present and participating to consider the matter. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Mann made a motion to go into deliberation. The motion was seconded by Ms. Williams and carried unanimously. Ms. Williams made a motion to come out of deliberation. The motion was seconded by Mr. Thompson and carried unanimously. Mr. Jeanne made a motion to come out of executive session. The motion was seconded by Ms. Evans-Gunter and carried unanimously.

Mr. Jeanne made a motion to grant Student's request based on the evidence of a hardship presented. The motion was seconded by Mr. Thompson and carried by a vote of 10- yes (Waterman, Williams, Edney, Cimaglia, Cilento, Watson, Evans-Gunter, Thompson, Mann, and Jeanne), 2 – no (Eliassen and Hart).

F. Request to Waive 1009.2.4 by William Penn HS for DIAA 2016-11-5

The waiver request was withdrawn prior to the meeting. The Board did not consider the request during the meeting.

K. Request to Waive 1009.2.4 by Glasgow HS for DIAA 2016-11-6

Student, Student's Mother, and Jeremy Jeanne; athletic director at Glasgow High School were in attendance to present this request. Mr. Jeanne recused himself from this hearing. Mr. Hart made a motion to go into executive session for the purposes of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Cilento and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Cimaglia explained that DIAA is a 20 member Board and has 19 voting members. Mr. Cimaglia further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Cimaglia explained that there were 12 voting members present and participating to consider the matter. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Ms. Evans-Gunter made a motion to go into deliberation. The motion was seconded by Mr. Hart and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Mr. Mann and carried unanimously. Mr. Mann made a motion to come out of executive session. The motion was seconded by Mr. Thompson and carried unanimously.

Mr. Hart made a motion to grant Student's request based on the evidence of a hardship presented. The motion was seconded by Mr. Eliassen and carried by a vote of 12- yes (Waterman, Williams, Edney, Eliassen, Cimaglia, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann) and 0 - no.

L. Request to Waive 1009.2.7 by St. Thomas More Academy for DIAA 2016-11-9

Student, Rachael Casey; principal at St. Thomas More Academy, and Tim Freud; athletic director at St. Thomas More Academy were in attendance to present this request. Mr. Breeding made a motion to go into executive session for the purposes of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Hart and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield explained that DIAA is a 20 member Board and has 19 voting members. Dr. Layfield further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Dr. Layfield explained that there were 13 voting members present and participating to consider the matter. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Ms. Williams made a motion to go into deliberation. The motion was seconded by Mr. Waterman and carried unanimously. Mr. Jeanne made a motion to come out of deliberation. The motion was seconded by Mr. Eliassen and carried unanimously. Mr. Mann made a motion to go into deliberation. The motion was seconded by Mr. Eliassen and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Mr. Jeanne and carried unanimously. Mr. Mann made a motion to come out of executive session. The motion was seconded by Mr. Eliassen and carried unanimously.

Mr. Eliassen made a motion to grant Student's request. The motion was seconded by Mr. Watson and failed by a vote of 6- yes (Williams, Edney, Eliassen, Watson, Evans-Gunter, and Thompson), 6- no (Waterman, Cimaglia, Cilento, Hart, Mann, and Jeanne) and 1 - abstention (Breeding).

G. In the Matter of Interim Waiver Requests

1. 1009.2.4 by First State Military for DIAA 2016-11-7

Mr. Cimaglia advised that this matter was being considered under modified procedures with the consent of the students' parents. Mr. Hart made a motion to go into executive session for the purpose of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Cilento and carried unanimously.

While in executive session, the hearings proceeded, evidence was taken, and the Board held deliberations.

Mr. Mann made a motion to go into deliberations. The motion was seconded by Mr. Cilento and carried unanimously. Mr. Mann made a motion to come out of deliberations. The motion was seconded by Mr. Cilento and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Mr. Watson and carried unanimously.

Mr. Hart made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver request based on the hardship presented that the school dropped the program student was interested in. The motion was seconded by Mr. Cilento and carried by a vote of 11 - yes (Waterman, Williams, Edney, Cimaglia, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Mann) and 0 - no.

H. Request to use Eighth Graders at the High School Level 1009.2.7.3

Mr. Neubauer reported that as required by DIAA Regulation 1009.2.7.3. he received a letter seeking permission to allow eighth grade student athletes the opportunity to participate on their schools high school athletic teams from St. Elizabeth High School.

Mr. Hart made a motion to approve the request. The motion was seconded by Mr. Cilento and carried unanimously.

J. Self-Report by Cape Henlopen HS

Mr. Neubauer reported on a self-report by Cape Henlopen High School where an ineligible player was used in more than 5 games during a volleyball match against Caesar Rodney High School on October 20, 2016. Mr. Neubauer commented that the student was ineligible because she participated in both JV games and then participated in three games of the varsity match. Mr. Mann made a motion to accept the penalty given by the school. The motion was seconded by Mr. Watson and carried by a vote of 9 – yes (Watson, Hart, Cimaglia, Waterman, Breeding, Thompson, Mann, Williams, and Evans-Gunter) and 1 – abstention (Cilento).

M. Request to Waive 1009.2.8 by DIAA Executive Director

Mr. Neubauer explained DIAA Regulation 1009.2.8 regarding Foreign Exchange and International Students. Mr. Neubauer explained the difference between a Foreign Exchange student and a J1 Visa Student and stated that the regulation mandated that any student holding an F1 visa was only eligible for sub-varsity sports in their first year on attendance at a member school. Ms. Taylor explained that this change was based on the practice at the time that all students holding F1 visas were in the USA for more than one year. Mr. Neubauer commented that in speaking with CSIET he learned that some foreign students may hold an F1 visa but only be in the USA for one year as a part of an approved CSIET Exchange Program. Ms. Taylor commented that the intent of the rule was to allow any student in the USA for a year the opportunity to participate in interscholastic athletics.

Mr. Breeding made a motion to approve a temporary waiver and table the discussion and allow time for the attorney to research. The motion was seconded by Mr. Hart and carried unanimously.

N. Request to Waive 1009.5.1.3.3 by DIAA Track and Field and Football Committees and SODE.

Mr. Breeding acted as chair for this request. Mr. Cimaglia was in attendance to present this request. Mr. Cimaglia explained that to continue to develop the unified sports program in Delaware he was requesting a waiver of DIAA Regulation 5.1.3.3 in order to have a Unified Flag Football and Track and Field programs offer an official DIAA State Championship. Mr. Cilento made a motion to accept the request. The motion was seconded by Mr. Mann and carried unanimously.

V. Executive Director Report

B. Misc.

Mr. Neubauer reported on the fall tournaments.

Mr. Neubauer reported on the NFHS Network.

A. Legal

Ms. Makransky reminded the Board that they tabled their discussion of 14 De. C § 410 at the October meeting. The Board decided to discuss 14 Del. C. § 410 at a future meeting in which members are in attendance.

VI. Other

VII. Public Comment

None.

VIII. Adjournment

Mr. Cilento made a motion to adjourn at 1:55 p.m. The motion was seconded by Mr. Watson and carried unanimously.

Tina Bates